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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,981	09/25/2003	Harry Eugene Flynn	KMG1097-US1	8092
36732	7590	10/26/2005	EXAMINER	
LAW OFFICE OF STANLEY K. HILL, PLC P.O. BOX 52050 MINNEAPOLIS, MN 55402			HEWITT, JAMES M	
			ART UNIT	PAPER NUMBER

3679

DATE MAILED: 10/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/670,981	Applicant(s) FLYNN ET AL.	
	Examiner James M. Hewitt	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 12-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

*CH*

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12-13 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Cocchiara et al (US 4,301,651).

The Cocchiara elbow as shown in figs. 12 and 13 illustrates the present invention with a cylindrical body and tangential inlets and outlets wherein the body includes a liner 40 and the inlets and outlets also include liners 42. The liners can be removed by any number of means.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cocchiara et al (US 4,301,651) in view of Carty et al (US 4,554,721).

As noted above the Cocchiara et al elbow does not disclose that the liner is ceramic as required by claims 14 and 20. Carty et al. teaches an elbow with a ceramic liner (column 2, lines 50-55) for wear resistance of the fluids on the elbow body. It would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate the liner from ceramic rather than stainless steel as ceramic would be desirable for reasons of both cost and weight and further since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cocchiara et al (US 4,301,651) in view of Forman (US 255,427).

The Cocchiara elbow as shown in figs. 12 and 13 illustrates the present invention with a cylindrical body and tangential inlets and outlets wherein the body includes a liner 40 and the inlets and outlets also include liners 42. The liners can be removed by any number of means. Cocchiara et al fails to teach that the cylindrical body can be formed as two substantially identical halves. Forman teaches a pipe joint comprising two body portions each having branch pipes connected thereto. Forming the joint in this manner permits the body portions to be relatively adjusted to permit the branch pipes to be oriented at various angles. In view of Forman's teaching, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form

Cocchiara's body into two halves in order to permit the tangential pipes to be oriented at various relative angles.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cocchiara et al (US 4,301,651) in view of Forman (US 255,427) as applied to claim 17 above, and further in view of Carty et al (US 4,554,721).

As noted above the Cocchiara et al elbow does not disclose that the liner is ceramic as required by claim 18. Carty et al. teaches an elbow with a ceramic liner (column 2, lines 50-55) for wear resistance of the fluids on the elbow body. It would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate the liner from ceramic rather than stainless steel as ceramic would be desirable for reasons of both cost and weight and further since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

### ***Response to Arguments***

Applicant's arguments filed 8/12/05 have been fully considered but they are not persuasive.

Applicant asserts Cocchiara et al does not teach or suggest that at least one end of the cylindrical body is removably attached, arguing that as the ends are welded they are permanently attached and not removably attached as required by the claims. In

response, a welded attachment does not equate to an irremovable attachment. The ends could be removed by mechanical means (e.g. a cutting means).

Applicant also asserts Cocchiara et al does not teach or suggest that the liners are removable. Similarly, the liners are removable liners insofar as they could be removed by force (via mechanical means).

Applicant also asserts Cocchiara et al does not teach or suggest that the elbow comprises two-substantially identical parts. In response, the Examiner agrees, and the art rejections of claims 15-18 have been withdrawn. Note however, the above new grounds of rejection of claims 15-18.

Applicant also asserts Cocchiara et al does not teach or suggest the limitations of claims 19 and 20. The Examiner disagrees. From column 8, lines 54-57, Cocchiara et al states that the linings are attached via crimping or expansion into engaging contact with the reactor wall (or by any other suitable method). As shown in Figure 13 and described in column 8, lines 49-53, inlet and outlet liners 42 extend into body liner 40 (note the darkened line representing liner 42 that extends into the body liner 40). And as should be understood, the body liner would have to be inserted into the body via an open end of the body, and the inlet and outlet liners would be inserted through the inlet and outlet respectively.

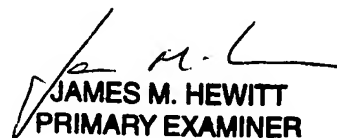
### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hewitt whose telephone number is 571-272-7084.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
JAMES M. HEWITT  
PRIMARY EXAMINER